



BOARD OF YAKIMA COUNTY COMMISSIONERS

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Kyle Curtis
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District 3

December 15, 2023

Submitted via rule-comments@sec.gov

Vanessa A. Countryman, Secretary
Securities and Exchange Commission
100 F. Street, NE
Washington, DC 20549

Re: Notice of Filing of Proposed Rule Change to Amend the NYSE Listed Company Manual to Adopt Listing Standards for Natural Asset Companies; SR-NYSE-2023-09

Dear Secretary Countryman:

Founded in 1865, Yakima County encompasses approximately 4,311 square miles, or 2.7 million acres in south central Washington State. Approximately 63% of these lands 1.7 million acres, are public lands owned and managed by the federal government. Predominantly, the Yakama Indian Reservation is roughly 1.3 million acres, Bureau of Land Management manages 28,000 acres, U.S. Department of Defense manage 162,000 acres and the U.S. Forest Service manages roughly 496,000 acres. The remaining area in Yakima County is devoted almost entirely to agriculture production. Yakima County is the top producer of agricultural products in Washington State and 9th in the Nation, with over \$4 Billion in revenue from high-value crops such as tree fruit, wine grapes and hops annually.

The County's socio-economic well-being, health, safety, welfare, and culture relies significantly on the use of and management of these surrounding federal lands and the policies thereon due to the impacts on adjacent land. As such, it is critical that the management of those public lands are coordinated with Yakima County to ensure that federal land policies are consistent and complement Yakima County's policies.

The proposed rule authorizing the listing of "Natural Asset Companies" (NACs) as a new investment vehicle on the New York Stock Exchange will allow our federal lands, including those in Yakima County, to be enrolled into a NAC. Once enrolled, the lands must be managed for "sustainable" purposes, which will require the elimination of the productive uses of these lands that our local economy is dependent upon and create unintended impacts on our adjacent agriculturally significant land. This action directly harms our County and citizens.

Yakima County's entire economy is driven by Agriculture. Any threat to that lifeline must include adherence to local ordinances. The County's ability to fund emergency services, roads, wildland and wildfire response and the other necessary services are directly dependent on the productive use of these federal lands and the preservation of our agriculture land. Any effort to reduce the Congressionally authorized uses of these lands' will destroy the foundational industries that support our local economy.



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The impact a "Natural Asset Company" will have on Yakima County has not been considered, nor the cost calculated, by proponents of the proposed rule. With the issuance of this rule, your agency has not considered these impacts and instead is facilitating a quick and quite approval of an action that will allow proponents to profit off our federal lands at the expense of the citizens of our county.

PRIMARY CONCERNS:

While there are many issues raised with the approval of this rule already addressed by other commentors, these are two additional issues we ask you to consider.

The first is that the SEC proposed rule clearly conveys "management authority" of all the assets to a NAC. This would include federal and private lands, and the various rights to these lands. There is no explanation or authority cited in the rule to support how one administrative agency, in this case the SEC, can convey management of federal resources.

There is also no guidance or limitation on this "management authority" the SEC NAC rule will convey. It is simply a blanket permission that appears to give private profiteers unlimited ability to set rules, definitions, permissions, and possibly penalties that will directly impact our county. This will infringe upon our authority, to protect the health, safety, and well-being of our citizens. It will also infringe on our right, conveyed by various federal statute, that requires federal agencies to "coordinate" the management of the federal lands within our jurisdictions. Congress requires this local government coordination for the express purpose of ensuring the federal actions do not harm communities such as ours.

The SEC rule provides no clarity on how the local, State, and federal land use plans will be coordinated with the NAC's; and how priorities are to be harmonized as is currently required. Clearly, the SEC has exceeded its authority, treading on that of other federal agencies, and the many States and local governments, through this rule to transfer management of the federal lands to private investment companies.

The second concerning issue is that the proposed rule also requires that the communities found to be within the area of a "hybrid" NAC, will also need to be managed in such a way as to meet the NACs sustainability goals. Again, no consideration has been made as to whether the community has the same desires, policies, or goals as the NAC.

At the very least, the people who live in the area where a NAC is proposed should have a direct vote, or a vote through their Congressional delegates, before being unwillingly enrolled into a private investment company.

Land use in Yakima County is determined through our Comprehensive Plan and Natural Resource plans, which have been developed, and approved in compliance with our State's statutes. Yet, the SEC rule appears to be elevating the priorities of the NAC over our constitutionally derived authorities.

Fundamentally, Yakima County's policies regarding the use of our federal lands are aligned with the provisions made in the Federal Land Policy and Management Act of 1976 and the National Forest Management Act of 1976. These Acts require federal agencies to coordinate the land use inventory,



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planning, and management activities for federal lands with the land use planning and management programs of local governments. Equally important, Yakima County's policies support federal policies of multiple use and sustained yield to the benefit of the public. The proposed purpose of this new investment product is to provide a vehicle for elite investors and governments to profit from the protection of natural resources while eliminating the multiple-use, sustained yield management principles.

The fundamental legal and policy flaws that the Proposed Rule represents, are why Yakima County opposes the Proposed Rule, SR-NYSE-2023-09. Further, similar proposed rules have failed including rules to trade air or carbon, Net-Zero, the ill-fated Climate Exchange-Traded Fund, and the attempt to monetize the unmonetizable such as the so-called Environmental, Social, and Governance (ESG) investment movement. In the end, there are certain things such as our public lands and our natural resources that are not for sale.

ADDITIONAL KEY POINTS:

- 1) The Proposed Rule Inappropriately Authorizes Federal Lands, Including National Parks, to be enrolled into NACs.
- 2) The Proposed Rule Unconstitutionally Gives "Management Authority" to NACs.
- 3) This Proposal Charts the Course to Systematically and Unlawfully Enroll Federal Lands into NACs.
- 4) The Proposed Rule Allows Foreign Entities to Use NACs to Undermine National Security and American Foreign Policy.
- 5) The Proposed Rule Allows Land Trusts to Enroll Conservation Easements for Profit into the NAC.
- 6) The Proposed Rule Arbitrarily Monetizes Exclusive Rights to Natural Resources such as air and water and Authorizes them to be Assigned to Private Special Interests
- 7) The Proposal Fails a Benefit-Cost Analysis By Categorically Prioritizing Protection of Resources over Human Resources. The Proposed Rule is Certain to Have a Disparate Impact on Disadvantaged Communities.
- 8) The proposed Rule Skirts Congressional Authorization.

BACKGROUND:

The Intrinsic Exchange Group (IEG) claims the new natural asset economy will be a \$5000 Trillion economy, four times larger than today's economy, which is \$105 Trillion. This is because they are creating an entirely new set of values - quantifying and monetizing "natural processes" and "ecosystem services" that every human being must have to live; and no one has a right to own. They are quite literally attempting to profit from, and control, the air we breathe. The IEG and NYSE state that it is the act of protecting the resources, thereby increasing ecosystem services from nature, that will give the NAC its value and the shareholders an investment return. It is not the production of traditional consumer goods. In fact, they specifically prohibit a NAC from engaging in "unsustainable extractive activities."

Three categories of lands make up an NAC: Natural (protected), Working (some productive uses highly regulated), and Hybrid (a mix of Natural and Working). They state that the investment return will come from "ecotourism revenue or carbon credit sales on natural lands and commodity crop production on working lands." (IEG Website)



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Ultimately, the NACs must hold rights to fixed assets such as land, water, conservation easements, federally protected lands, and crops to offer exclusive rights to the intrinsic elements they claim will be produced by protecting the area.

With the issuance of this proposed rule, the SEC is approving the final step necessary to take from the American people of their property and natural rights. Quite simply, our primary concern is this: When are our public lands no longer public? This Proposed Rule is another step in the privatization of public lands.

ADOPTION OF OTHER COMMENTORS POSITIONS:

The Yakima County Board of Commissioners incorporates into these comments those filed by American Stewards of Liberty, the Financial Fairness Alliance, and the Blue Ribbon Coalition.

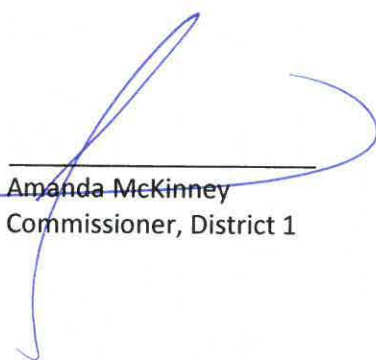
RECOMMENDED ACTIONS:

For the above reasons, the SEC should not adopt the NYSE's Proposed Rule. Further, steps should be taken to actively prevent NACs from being recognized as an appropriate or federally recognized form of a public company eligible to be listed on the NYSE. No federal funds should be used to support NACs, nor should federal lands or assets be made available to them.

The Board of Yakima County Commissioners appreciate this opportunity to offer comments, and please do not hesitate to contact us should you have any questions regarding our comments.

Sincerely,

LaDon Linde
Chair of the Board
Commissioner, District 3



Amanda McKinney
Commissioner, District 1

Kyle Curtis
Commissioner, District 2

Cc: Congressional Delegation

Washington State Department of Ecology
Washington Department of Fish & Wildlife
Washington State Department of Natural Resources
US Forest Service
Commissioner of Public Lands
Paul Jewell, Washington State Association of Counties